



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE DECEMBER 19, 2018 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on December 19, 2018, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Mr. Andrew LeFevre, Grand Canyon University
Officer Matthew Medina, Prescott Police Department
Colonel Frank Milstead, AZ Department of Public Safety
Deputy Christopher Pittmann, Maricopa County Sheriff's Office
Chief Alan Rodbell, Scottsdale Police Department
Deputy Director Joe Profiri, representing Director Charles Ryan, AZ Department of Corrections
Mr. Richard Wooten, Public Member (via telephone)

Members Absent:

Sheriff Mark Dannels, Cochise County Sheriff's Office

Staff in Attendance:

Matt Giordano, Executive Director
Billy Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Marie Dryer, Program Administrator
Steve Enteman, Training Supervisor
Steve Jacobs, Compliance Specialist
Arlene Heckel, Compliance Specialist
Mike Orose, Compliance Specialist
Mark Perkovich, Program Administrator
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Seth Hargraves
Mark Brachtl
Jeanne Galvin

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Colonel Milstead to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Assistant Attorney General Jeanne Galvin will provide legal advice to the Board on three final action cases - #17-051 Matthew A. Hedrick; #18-054 Gabriel E. Marcurio and #18-107 Luis A. Acedo.
- Only three individuals are left on the Consent Agenda for training deficiencies; all others have completed the required training. Terri Calabrese-Kopronica's attorney would like to address the Board to discuss her training deficiency.
- Jamie Kelly has been selected to fill the public member vacancy on the Board. She is the current executive director of Not All Heroes. She was hoping to attend today's meeting but unfortunately wasn't able to; she will be in attendance at the January meeting.
- For the record, the only Board member not present is Sheriff Dannels; Mr. Richard Wooten will be present telephonically. There are currently two Board member vacancies (small agency police chief and jail administrator).

C. Executive Director's Report

Matt Giordano, Executive Director

- Traveled to Window Rock to meet with Chief Francisco with the Navajo Division of Public Safety to discuss their recent academy. This issue will be placed on the January agenda in order to allow for further discussion.
- Started researching rule changes in regards to drug use for peace officer applicants. Staff researched and found that in the early 90's the Board identified what experimentation meant concerning marijuana use. That was a two year process; it will not take us that long. Beginning in January would like to put together a working group and make sure that all the agencies across the state are represented and start working through what the Board and our partner agencies would like to see instituted to assist us in recruiting and retaining qualified applicants.
- Accompanied Training Compliance Specialist Cindy Sawyer to NARTA to administer the Comprehensive Final Exam. Was able to tour their current and new facilities with their director. The plan is to get out to all the academies around the state within the next several months to see how they are doing and how we can be better partners to them.
- Attended a working group at the legislature; it was a collaboration of some of the labor groups and police chiefs and had good discussions of some things that are coming up in 2019. Just want to make sure we have a seat at the table at those discussions and are well represented.
- Attended the GOHS Impaired Driver roundtable at the capitol with the current deputy director of NITSA. The deputy director stated this is the first meeting she has attended around the country where a director from POST was in attendance; she was very happy because it all starts at the basic academy. Alberto Gutier continues to be a good partner to AZPOST.
- Attended the AZ County Attorney and Sheriff's Association (ACASA) meeting and the Sheriff's Association meeting. Will continue to attend these meetings to ensure we have a seat at the table and glean information from our partners as well as provide information to them on what the Board and AZPOST is doing.

- Just returned last night from attending the Western Regional Conference of IADLEST (International Association of Directors of Law Enforcement Standards and Training). Met with eight peers in the western conference and made a lot of good connections. The meeting was hosted in Oregon.

Colonel Milstead asked that the Board have a discussion at a future meeting regarding what the true cost is to train a recruit. He opined that current consideration does not look into the actual hours, fuel, mileage, time associated, and that the number we give the legislature on costs to train a recruit is low. He suggests that agencies should get together and really talk about what the correct number actually is so we can provide that number to the legislature and that it is accurate.

Mr. LeFevre stated each year the governor issues an executive order putting a moratorium on rules revisions and changes. He recommended that if we think we are going through this process in 2019, once that executive order is issued, POST will want to reach out and get an exemption through the governor’s public safety policy advisor.

Chief Rodbell asked that the Board talk about a possible rule change at a future meeting.

D. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda; as amended, to show only three individuals remain deficient in their annual training for 2017. The motion was seconded by Colonel Milstead and passed unanimously.

1. Consent Agreements for Voluntary Relinquishment/Denial of Peace Officer Certification. The following individuals, without admitting to any misconduct, request the Board accept their request to permanently relinquish their Arizona peace officer certification:

Todd E. Pascarella	17-121	Mesa Police Department
Erin B. Dalley	18-141	Maricopa County Sheriff’s Office
Christian L. Krueger	18-128	Yavapai County Sheriff’s Office
Todd M. Laughlin	18-143	Flagstaff Police Department
Heriberto Filerio	17-061	Yuma Police Department
Dennis M. Feron	18-110	AZ Department of Transportation – ECD

2. Training Audit Deficiencies. The following individuals are deficient in their annual training. The Board shall restrict their certified status until the deficiencies are corrected:

<u>Name</u>	<u>Year Deficient</u>
Tim Stevens	2017
Daniel Vann	2017

The matter of the training deficiency of Terri Calabrese-Kopronica was pulled from the Consent Agenda in order for her attorney to address the Board.

The Board considered comments from Assistant Attorney General Seth Hargraves and from Kathryn Baillie, attorney for Ms. Kopronica. The Board determined that even though Ms.

Kopronica was unable to complete her qualification shoot due to health issues in 2018, she was given ample opportunity to train and qualify in 2017; which is the year in question.

Chief Rodbell made a motion to restrict Terri Calabrese-Kopronica's peace officer certification until the qualification requirement is met and written verification is provided to the Board. The motion was seconded by Colonel Milstead and passed with one nay vote recorded for Deputy Pittmann.

E. Final Action Cases:

1. 17-051 – Matthew A. Hedrick – Pinal County Sheriff's Department

Mr. Ahler (AAG) recused himself from this case.

The Board received independent legal advice from Assistant Attorney General Jeanne Galvin.

The Board heard oral argument on the Administrative Law Judge (ALJ) decision from Assistant Attorney General Seth Hargraves and from Matthew Hedrick. Colonel Milstead made a motion to accept the ALJ's Findings of Fact 1-17, and Conclusions of Law 1-14, as set forth in the Administrative Law Judge's Decision and Supplemental Order of Addendum, both dated October 15, 2018, and revoke Mr. Hedrick's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

2. #18-054 – Gabriel E. Marcurio – La Paz County Sheriff's Office

Mr. Ahler (AAG) recused himself from this case.

The Board considered oral argument on the Administrative Law Judge (ALJ) decision from Assistant Attorney General Seth Hargraves and from Christopher Houk, attorney for Mr. Marcurio. Chief Rodbell made a motion to accept the ALJ's Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Marcurio. The motion was seconded by Deputy Pittmann and passed unanimously.

3. #18-107 – Luis A. Acedo – Navajo Division of Public Safety

The Board considered comments from Assistant Attorney General Seth Hargraves, who provided a brief overview of the case and the terms of the proposed consent agreement. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for a 6-month suspension of Mr. Acedo's peace officer certification. The suspension shall be in effect from July 18, 2018 through January 18, 2019. The motion was seconded by Colonel Milstead and passed unanimously.

4. #18-068 – Anthony J. Doran – Superior Police Department

The Board considered comments from Compliance Manager Mark Perkovich, who provided a brief overview of the case. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Doran's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

F. New Charging Cases:

1. #18-105 – Assadulah A. Ali – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Chief Rodbell made a motion to close this case and ***Resolve in Future*** (the outstanding issues) if Mr. Ali applies with another agency. The motion was seconded by Colonel Milstead and passed unanimously.
2. #18-137 – John M. Gomez – La Paz County Sheriff’s Office
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Chief Rodbell made a motion to ***Initiate Proceedings*** against Mr. Gomez’s peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.
3. #18-135 – Herlen Yeomans – Colorado River Indian Tribes Police Department
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Colonel Milstead made a motion to ***Initiate Proceedings*** against Mr. Yeoman’s peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
4. #18-089 – Mario A. Parra – Holbrook Police Department
The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Colonel Milstead made a motion to close this case and ***Resolve in Future*** (the outstanding issues) if Mr. Parra applies with another agency. The motion was seconded by Chief Rodbell and passed unanimously.

G. Future Agenda Items

Executive Director Giordano stated an update on the Navajo DPS academy will be on the January agenda. There will also be an agenda item to discuss possible rule changes.

H. Adjournment

Chairman Mascher stated this is the last meeting of 2018. He thanked Board staff and Board members for all their hard work.

The meeting was adjourned at 11:22 a.m.